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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2869 OF 2007

Mrs.Yasmin Boman Irani — Petitioner
versus
T.R.Sanghvi and others — Respondents

Mr.Yadunath Chaudhari for petitioner.
Mr.R.J.Thakkar for respondents.

CORAM : A.S.OKA, J.

DATE : 25th June 2007

PC :

1. Heard advocates appearing for the parties. By this writ petition under Article 227 of the Constitution of India, the petitioner (original plaintiff) has taken an exception to the order dated 2nd November 2006 passed by the learned Trial Judge by which an order passed against the second respondent-defendant to proceed with the suit without written statement has been set aside. By the said order, the learned Trial Judge has permitted the first respondent to file his written statement.

2. The submission of the advocate for the

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petitioner is that the impugned order has been illegally passed at the stage of recording of the evidence. He submits that the grounds on which the relief was sought by the second respondent are shown to be false.

3. The result of the impugned order is that the a defendant in a suit for eviction filed by the petitioner will be entitled to file written statement and contest the suit. Substantial justice has been done by passing the impugned order. No case is made out for interference under Article 227 of the Constitution of India. Petition is rejected.

(A.S.OKA, J.)